

## REMARKS

In the December 12, 2006 Office Action, the Examiner noted that claims 2-30 were pending in the application; rejected claims 17 and 30 under 35 USC § 102(e); and rejected claims 2-16 and 18-29 under 35 USC § 103(a). In rejecting the claims, U.S. Patents 5,903,568 to Tanaka et al. (Reference B in the December 30, 2005 Office Action) and 6,404,743 to Meandzija (Reference A in the September 11, 2003 Office Action) were cited. Claims 2-30 remain in the case. The rejections are traversed below.

### The Application

The method and system disclosed in the application improve the state realignment between an agent and a manager, that are at different management levels, when communication between the two management levels, ergo between agent and manager, is no longer guaranteed for a certain period of time (see page 2, lines 9-11 and lines 31-34 of the English translation).

In the case of one of the conditional state realignments between agent and manager – by way of example, in the case of a new establishment of connection after a connection abortion or after an initializing of the agent or the manager – ordinarily, the manager plays the active part insofar as the manager triggers the state realignment and requests and receives from the agent the state information for each existing object (see page 2, lines 16-24 of the English translation).

The problem is, however, that a request for state realignment transmitted by the manager is effected by **all** agent objects, to wit, independently of the content of the pertinent state information at the moment of the request by the manager. In the case of a large number of managed objects, the signaling load is considerable and leads to an undesirably long duration of the alignment procedure (see page 2, lines 20-30 of the English translation). This load is a result of the agent customarily advising every change of a state. These messages could be lost during and/or due to temporary interruption of the connection, with the result that after resumption of the connection the manager cannot be certain which of the state information is still correct and which is not. Thus, after resumption of a temporary interruption, the manager must assume that all states it has stored are not reliable. It would be optimal if the manager would have to request only those states that have changed during the interruption. It is, however, very difficult to find out which states have changed.

The independent claims 17 and 30 recite "a normal state" which has an inherent meaning and is further defined in the specification and dependent claims 3, 19 and 25. By way

of example, the normal state can be defined from pre-selected values for state attributes and/or status attributes (see page 4, lines 1-3 of the English translation) and specific examples of states recited in claims 3, 19 and 25. Thus, a classification of the states as "normal" or "not normal" can be determined.

After a request by the manager to carry out a state realignment, the agent transmits to the manager **not all but only** the states deviating from the normal state (see page 3, lines 19-21 of the English translation). This is also the only information of interest to the manager (see page 3, lines 26-29 of the English translation). Thus it is not necessary to transmit the state information for which the agent did not note a deviation from the normal state (see page 3, lines 31-33 of the English translation). Upon receipt of the state information, the manager can, at first, realign those states for which it has received state information from the agent because they deviate from their normal state. Furthermore, the manager can also realign all other states stored in its local MIB, because it knows that those states for which no state information was transmitted by the agent are in a defined normal state, by entering into them the defined normal state.

According to the invention, the manager can realign all states in its local MIB, although it does not receive state information from the agent with respect to all states.

#### **Rejections under 35 USC § 102(e)**

In items 5-6 on pages 4-6 of the Office Action, claims 17 and 30 were rejected under 35 USC § 102(e) as anticipated by Tanaka et al. using the same language as in the December 30, 2005 Office Action. As these reasons were traversed by the Substitute Response filed September 28, 2006, the remarks below address the Response to Arguments in item 2 on pages 2-4 of the December 12, 2006 Office Action.

First, the December 12, 2006 Office Action responded to the argument in the second paragraph on page 7 of the September 28, 2006 Substitute Response that there is no suggestion in the statement,

"an event notification Nn-1 1 produced in the managed object Mn-1 1 [is] stored in the lower-layer MIB ... in a managed object Mn3 stored in the upper-layer MIB 103 and related to the managed object Mn-1 1" (column 10, lines 39-42) ... or elsewhere in lines 38-48 of Tanaka et al. that what is stored in ... Management Information Base (MIB) constitutes "state information" as recited in claim 17.

In response to this argument, the December 12, 2006 Office Action asserted "that the event notifications in the managed-object correspondence information database meet the recited state information" (December 12, 2006 Office Action, page 2, lines 17-19) and page 8, lines 12-34 of

the subject application was cited as disclosing "using managed object[s] to store data information as events" (December 12, 2006 Office Action, page 2, lines 19-20). The December 12, 2006 Office Action continued on page 3 by citing page 10, line 31 to page 11, line 5 of the subject application disclosing "that state information is stored on the bases of event and states occurring".

It is submitted that the citation to the specification of the subject application quoted at the end of the previous paragraph shows the error of the Examiner's position. Stated another way, this portion of the specification supports storing information about both states and events. However, claims 17 and 30 require "storing state information" (e.g., claim 17, line 3), not event information, while the rejection of the claims only cited Tanaka et al. as disclosing that event notifications were stored. The fact that the specification discloses also storing the information that Tanaka et al. discloses storing is irrelevant when the claims recite storing something else, i.e., state information.

Second, the December 12, 2006 Office Action responded to the argument in the third paragraph on page 7 of the September 28, 2006 Substitute Response that there "is no suggestion in column 10, lines 45-48 of Tanaka et al. regarding anything that might constitute 'state information' or that anything is checked for 'deviations from a normal state' as recited in claim 17." In response to this argument, the December 12, 2006 Office Action asserted "that Tanaka discloses ... the managed objects transmitting event notifications in response to attribute changes or fault information" (December 12, 2006 Office Action, page 3, lines 13-17), citing column 1, lines 8-19; column 8, line 35 to column 9, line 10; and column 10, line 47 to column 11, line 19 of Tanaka et al. However, these portions of Tanaka et al. disclose that changed state message are **always transmitted** when a state changes, i.e., not only when a state changes from the "normal" state to a "not normal" state, but also in the reverse case. As discussed repeatedly in the responses to the rejections of the claims, claims 17 and 30 require "sending **only** deviant state information of said agent" (e.g., claim 17, next-to-last line). Nothing has been cited or found in Tanaka et al. suggesting limiting what is transmitted to "deviant state information" as required in the independent claims.

Third, the December 12, 2006 Office Action responded to the argument in the paragraph spanning pages 7 and 8 of the September 28, 2006 Substitute Response that "there is no suggestion, let alone teaching, in column 10, line 48 to column 11, line 18 of Tanaka et al. regarding anything remotely related to 'deviant state information of said agent indicating the deviations from the normal state' as required by claim 17." The Response to Arguments section

of the December 12, 2006 Office Action apparently acknowledged the lack of teaching in the portions of columns 10 and 11 cited in rejecting claims 17 and 30 by also citing column 1, lines 8-19 and column 8, line 35 to column 9, line 10 of Tanaka et al. (although the rejection on pages 4-6 of the December 12, 2006 Office Action was not modified to add these portions of columns 1, 8 and 9).

In addition to the arguments set forth in the September 28, 2006 Substitute Response, it is submitted that Tanaka et al. does not teach or suggest either "sending a request message for performing state realignment" (e.g., claim 17, line 5) to said agent or that "the deviations from the normal state to said manager [are sent] in response to ... [such a] request message" (e.g., claim 17, last 2 lines). As discussed above and in the September 28, 2006 Substitute Response, Tanaka et al. teaches sending event notifications for all changes in state, not "for performing state realignment" as required by claims 17 and 30. The December 12, 2006 Office Action seems to acknowledge this lack of teaching in Tanaka et al. by the statements in the Response to Arguments section, e.g., "the managed objects transmitting event notifications in response to attribute changes or fault information" (December 12, 2006 Office Action, page 4, lines 1-2) and the statement in the rejection of the claims that "lower-layer manager 106 ... [is] performing a service function in response to a request from the upper-layer manager" (December 12, 2006 Office Action, page 6, lines 8-9). Nothing was cited in the rejection to support the assertion that "state realignment" is included in the service functions that lower-layer managers perform in response requests in the system taught by Tanaka et al.

For all of the above reasons, it is submitted that claims 17 and 30 patentably distinguish over Tanaka et al.

#### **Rejections under 35 U.S.C. § 103(a)**

In items 9-25 on pages 7-12 of the Office Action, claims 2-6 and 18-29 were rejected under 35 USC § 103(a) as unpatentable over Tanaka et al. in view of Meandzija. It is submitted that Meandzija does not overcome the deficiencies of Tanaka et al. discussed above, and therefore, claims 2-16 and 18-29 patentably distinguish over the applied art for the reasons discussed above with respect to claims 17 and 30 from which they depend.

#### **Request for Interview**

If the prior art rejections are not withdrawn, the Examiner is respectfully requested to contact the undersigned prior to issuing the first Office Action after the Request for Continued Examination (RCE) submitted herewith in accordance with MPEP § 706.07(b), to discuss what, if

any, changes to the claims are necessary to clearly distinguish over the prior art cited in the December 12, 2006 Office Action.

**Summary**

It is submitted that the references cited by the Examiner do not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 2-30 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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